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American General Life Insurance Co.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
THE C FINK FAMILY TRUST BY ITS
TRUSTEE ZALMEN LANDAU,

Plaintiff,

v.

AMERICAN GENERAL LIFE INSURANCE
COMPANY,

Defendant.
----- X

Case No. 10 CV 9230 (JSR)

**NOTICE OF MOTION TO DISMISS OF
DEFENDANTS AMERICAN GENERAL
LIFE INSURANCE COMPANY**

PLEASE TAKE NOTICE that upon the attached Declaration of Andrew P. Fishkin, dated February 10, 2011, and the exhibits thereto, the accompanying memorandum of law and all of the pleadings and prior proceedings had herein, defendant American General Life Insurance Company moves this Court for: (i) an order pursuant to Fed. R. Civ. P. 12(b)(1) dismissing this action in its entirety pursuant to the doctrine of declaratory judgment abstention and the first-filed rule; or, in the alternative, an order staying this matter in favor of a first-filed action pending in New Jersey Superior Court.


The briefing schedule of this matter set forth by the Court is as follows:

February 28, 2011 – Plaintiff's Opposition Papers

March 9, 2011 – Defendant's Reply Papers

March 14, 2011 – Oral Argument

Dated: New York, New York
February 10, 2011



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